

REVISED LAWS OF MINNESOTA *94*

SUPPLEMENT 1909

CONTAINING

THE AMENDMENTS TO THE REVISED LAWS,
AND OTHER LAWS OF A GENERAL AND
PERMANENT NATURE, ENACTED
BY THE LEGISLATURE IN
1905, 1907, AND 1909

WITH HISTORICAL AND EXPLANATORY NOTES TO PRIOR STATUTES
AND FULL AND COMPLETE NOTES OF ALL
APPLICABLE DECISIONS

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CHAPTER 105.

STATE PRISON AND STATE REFORMATORY.

STATE PRISON.

[5432—]1. Revolving fund—Borrowing.—The board of control of state institutions and the warden of the state prison are authorized, whenever in their judgment it becomes necessary in order to meet current demands on the revolving fund of the state prison, to borrow such sums of money as may be necessary. Such sums so borrowed, however, shall not exceed in any one year, seventy-five per cent of the total of the revolving fund of said prison. (Laws 1905, c. 135, as amended by Laws 1907, c. 266, § 1.)

Historical.—“An act relating to the revolving fund of the state prison,” approved April 11, 1905 (Laws 1905, c. 135), as amended by Laws 1907, c. 266 (approved April 19, 1909).

See sections [5432—] 2 to [5432—] 5.

[5432—]2. Revolving fund created.—That there is hereby created a state prison revolving fund available for the purpose of carrying on all industrial enterprises which heretofore have been or hereafter may be authorized by law to be carried on at the state prison at Stillwater, Minnesota. ('09 c. 151 § 1)

Historical.—“An act to create and legalize a state prison revolving fund for the purpose of carrying on such industrial work at the state prison as heretofore has been or hereafter may be authorized by law; and providing for additions or accretions thereto; and for the maintenance of a contingent fund; and for the disbursement of said revolving fund.” Approved April 7, 1909.

Section 5 repeals inconsistent acts.

See section next preceding.

[5432—]3. Same—How made up.—The said fund shall consist of the one hundred and fifty thousand dollars appropriated as available for the manufacture of binding twine at said prison, in and by chapter 163 of the General Laws of 1891 together with and including all net earnings or net profits of the said manufacture of binding twine at said prison which have accrued since the enactment of said chapter and which have meanwhile been added to said original appropriation which said additions thereto are hereby legalized, and all the future net earnings or net profits of any and all industries carried on at said state prison under authority of law and as now or hereafter authorized by law. ('09 c. 151 § 2)

[5432—]4. Same—How used.—Said funds shall be used for the purchase of raw materials, payment of salaries and wages, and other expenses necessary and proper in the conduct of said industrial enterprises, authorized by law, and for such other purposes, or be devoted to such other uses, as may hereafter be by law duly authorized. ('09 c. 151 § 3)

[5432—]5. Same—How paid—Contingent fund.—Said fund shall be deposited in the state treasury and paid out only on such proper vouchers as may be authorized and approved by the state board of control, and in the same manner and under the same restrictions as are now provided by law for the disbursement of funds by said state board of control: Provided, That said board of control is hereby authorized to keep and maintain at said prison a contingent fund as provided in section 1896, Revised Laws 1905; but said contingent fund shall be at all times covered and protected by a proper and sufficient bond to be duly approved as by law now provided. ('09 c. 151 § 4)

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5434. Visitors—Fees.—Members of the state board of control, the governor, lieutenant governor, members of the legislature, state officers, and regularly authorized ministers of the gospel, may visit the prisoners at pleasure, but no other persons without special permission of the warden, under rules prescribed by said board. A moderate fee may be required of visitors, other than those allowed to visit at pleasure. All fees so collected shall be reported and remitted to the state treasurer under such rules and regulations as the state board of control may deem proper, and when so remitted shall be placed to the credit of the current expense fund of the institution. (R. L. § 5434, as amended by Laws 1909, c. 241, § 1.)

Section 2 repeals inconsistent acts.

5445. Diminution of sentence.—Every convict sentenced for a definite term other than life, whether confined in the state prison or on parole therefrom, may diminish such term as follows:

First—For each month, commencing on the day of his arrival, during which he has not violated any prison rule or discipline, and has labored with diligence and fidelity, five days.

Second—After one year of such conduct, seven days for each month.

Third—After two years of such conduct, nine days for each month.

Fourth—After three years, ten days for each month for the entire time thereafter.

Said board, in view of the aggravated nature and frequency of offenses, may take away any or all of the good time previously gained, and, in consideration of mitigating circumstances or ignorance on the part of the convict, may afterwards restore him, in whole or in part, to the standing he possessed before such good time was taken away. Whenever a convict shall pass the entire period of his imprisonment without an unexcused violation of the rules or discipline, upon his discharge he shall be restored to his rights and privileges forfeited by conviction, and receive from the governor a certificate, under the seal of the state, as evidence of such restoration. (R. L. § 5445, as amended by Laws 1907, c. 206, § 1.)

[5447—]1. Selling of labor of convicts prohibited.—That after the passage and approval of this act it shall be unlawful for the state board of control, or the warden of the state prison, or any person exercising control of or supervision over any convict sentenced to and confined in said prison to enter into any contract or agreement, or any arrangement, whereby the labor or service of said convict is either sold or leased or otherwise disposed of for hire to any person or to any party. Provided, however, that nothing herein contained shall be either deemed or construed to either invalidate or validate any existing contract relating to the labor of convicts confined in said prison. ('09 c. 481 § 1)

Historical.—“An act relating to the sale of, or other disposition of, the labor of convicts sentenced to and confined in the state prison.” Approved April 23, 1909.

Section 2 repeals inconsistent acts.

5448. Sale of binding twine—Regulation—Penalty.—The price of binding twine manufactured at the state prison shall be fixed by the warden and the state board of control not later than March 1 each year. Such twine shall be sold to actual consumers, in quantities needed for their use, and to dealers within the state, under such rules and regulations as may be provided by said board, for cash or security, approved by the warden. Dealers desiring to purchase such twine shall enter into a written agreement with the state to sell only to actual consumers within the state for their own

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use. Such agreement shall also provide that when such twine is sold for cash it shall be at a price not greater than one cent per pound above the purchase price and freight from the prison to the station where such twine is sold, and when such twine is sold on time, at a price not greater than one and a half cents per pound above the purchase price and freight, as hereinbefore provided.

Reservation of 3,000,000 pounds.—The board shall cause to be held in reserve at the prison until March 1 of each year three million pounds of twine for the purpose of filling club and cash orders received from consumers, and thereafter until July 1 of each year said board shall reduce such reserve to five hundred thousand pounds, after which date all twine shall be sold. The state shall retain a contingent interest in twine so sold, and if any dealer shall violate his said agreement, the state board of control may declare such twine forfeited to the state and retake possession thereof. Every dealer purchasing such twine shall keep it separate from other twine and also keep a correct record of all his sales, showing the date, amount, price and name and postoffice address of purchaser, which shall be open to the inspection of the warden; state board of control and the proper county attorney. Every dealer who shall violate the terms of said written agreement, and every person violating any provision of this section, shall be guilty of a gross misdemeanor.

Twine may be sold to dealers outside state.—Provided, that whenever, in the opinion of the state board of control and the warden of the prison, the best interests of the state require such action, such binding twine may be sold to dealers or consumers without the state. (R. L. § 5448, as amended by Laws 1907, c. 74.)

Historical.—“An act to amend section 5448, Revised Laws 1905, relative to the manufacture of binding twine at the state prison at Stillwater, and regulating the sale thereof, and providing a penalty for the violation of the regulations for such sale.” Approved March 28, 1907.

5449. Number employed in one industry.—The number of prisoners employed in a single industry at the same time, at any institution coming under the provisions of this act, shall not exceed 10 per cent of the total number of men engaged in such industry in this state unless a greater number is necessary to produce material or articles to be supplied to state and other municipal institutions, penal or charitable. The number employed in any such industry shall be determined by a commission of three (3) to consist of the labor commissioner, who shall be chairman, a member of the board of control, and a citizen of the state engaged or interested in some manufacturing industry, not connected with the state prison, or reformatory; the last two to be appointed by the governor. Provided, however, that this section shall not apply to the number of prisoners employed in the manufacture of binding twine in the state prison at Stillwater, nor shall it apply to the number of prisoners employed in the manufacture of brushes at the state reformatory now at St. Cloud, nor shall it apply to the number of prisoners hereafter employed in the manufacture of binders, mowers and rakes at the state prison at Stillwater, nor shall it apply to the number of prisoners hereafter employed at the state prison at Stillwater in any industry not now carried on in this state, and which may be hereafter inaugurated at said state prison. (R. L. § 5449, as amended by Laws 1907, c. 71, § 1.)

[5449—]1. Factory for agricultural machines.—The state board of control of state institutions is hereby authorized and empowered to establish, equip, maintain and operate at the state prison at Stillwater a factory for the manufacture of rakes, mowers, harvesters and binders and the extra parts thereof, and for that purpose to

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employ such number of prisoners and skilled laborers as in their judgment may be necessary, and for the purposes of this act to use not to exceed two hundred thousand dollars of the existing revolving twine fund of this state, or so much thereof as said board of control may find necessary therefor from time to time. ('07 c. 49 § 1)

Historical.—"An act to authorize and empower the board of control of state institutions to establish and maintain a factory for the manufacture of rakes, mowers, harvesters and binders and the extra parts thereof at the state prison at Stillwater." Approved March 16, 1907.

Section 3 repeals inconsistent acts.

[5449—]2. **Same—Sale of machines.**—The said board of control shall cause the machines and extras manufactured at said factory to be sold under and pursuant to such rules and regulations as the board of control shall make from time to time for the sale thereof, and shall be sold for cash or security approved by the warden. ('07 c. 49 § 2)

[5452—]1. **Prisoners in prison or reformatory—Compensation.**—That the state board of control be and it is hereby authorized, and empowered to provide for the payment to prisoners confined in the state prison or in the state reformatory of such pecuniary earnings and for the rendering of such assistance as it may deem proper, under such rules and regulations as it may prescribe. Such earnings shall be paid out of the fund provided for the carrying on of the work in which the prisoner is engaged when employed on state account, and by the contractor when the prisoner is employed under contract; and such assistance, when allowed, shall be paid out of the current expense fund of the institution. ('09 c. 304 § 1)

Historical.—"An act authorizing the state board of control, in its discretion, to provide pecuniary assistance to prisoners and their families and to cause the forfeiture thereof." Approved April 21, 1909.

Section 3 repeals inconsistent acts.

See section 5459.

[5452—]2. **Same—Moneys, how used—Forfeiture.**—Any money arising under section 1 [5452—1] of this act shall be and remain under the control of the state board of control, to be used for the benefit of the prisoner, his family or dependent relatives, under such regulations as to time, manner and amount of disbursements as the board may prescribe. But, should any such prisoner wilfully escape from the state reformatory or the state prison, or become a fugitive from justice, or commit any breach of discipline at either institution, the said board of control may in its discretion cause the forfeiture of all earnings remaining to the prisoner's credit, and the same shall be replaced in the fund from which it was originally taken. ('09 c. 304 § 2)

STATE REFORMATORY.

[5455—]1. **Expenses of sheriff in conveying convicts.**—The necessary expenses of sheriffs, and other officers incurred in conveying convicts to the state prison and state reformatory, including per diem and expenses of guards, shall be approved by the state auditor, and be paid out of the state treasury. Said auditor may allow for said expenses the following rates: The necessary expenses incurred by the sheriff or deputy in going to and returning from the state prison or reformatory; two dollars and fifty cents per day for each guard, and such sum as may be necessary for railroad fare and actual traveling expenses. No more than one guard shall be allowed for one prisoner, and one additional guard for every two additional prisoners; provided, that in all counties of the state wherein the compensation of the sheriff is upon a fee basis,

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such sheriff shall also receive a per diem of three dollars per day for each day necessarily consumed in conveying prisoners to the prison or reformatory. All bills shall be rendered in writing, fully itemized and verified by oath, and accompanied by the receipt of the warden of the prison or the superintendent of the reformatory, for the delivery of such convict or convicts, in form to be prescribed by the state auditor. ('09 c. 70 § 1)

Historical.—"An act relating to fees and expenses of sheriffs and other officers for taking convicts to the state prison and the state reformatory." Approved March 12, 1909.

Section 2 makes an appropriation for expenses for the two years ending July 31, 1909.

[5458—]1. **Crushing rock for roads.**—The state board of control of the state of Minnesota is hereby authorized and directed to purchase such machinery and appliances as may be necessary in addition to those now belonging to the state of Minnesota at the Minnesota State Reformatory, and promptly proceed to cause the spalls and waste rock now on the grounds of said reformatory, and such spalls and waste rock as shall hereafter accumulate at said reformatory, to be suitably crushed for road-making purposes. ('09 c. 229 § 1)

Historical.—"An act to authorize the state board of control to purchase necessary machinery and appliances for the purpose of furnishing crushed rock for the roads in Minnesota from the spalls and waste rock at the Minnesota State Reformatory at St. Cloud." Approved April 17, 1909.

[5458—]2. **Delivery to highway commission.**—Such crushed rock, in excess of the needs of said reformatory for construction of buildings of said reformatory, and for the making of roads upon the grounds thereof, shall be delivered free on board cars at the reformatory quarries to the state highway commission, as it shall apply therefor, and shall be used in the construction and repair of permanent public roads in the state of Minnesota, according to plans provided by said state highway commission. ('09 c. 229 § 2)

5459. Aid for prisoner or his family.

See sections [5452—] 1, [5452—] 2.

CHAPTER 106.

JAILS, LOCKUPS, AND JUVENILE OFFENDERS.

COUNTY JAILS.

5467. Officers appointed by sheriff.—The sheriff of every county maintaining a jail, with the approval of the judges of the district court therein, shall appoint a competent woman as matron, who, under his direction, shall have exclusive charge of all female prisoners. He may, in the same manner, whenever the average number of prisoners in such jail for the preceding six months shall have been ten or more, appoint a night watchman, and, when twenty or more, an assistant jailer also. Said judges shall fix the compensation of all such employes at not less than the following sums, viz: The matron, 50 cents for each day when there is a female prisoner; the night watchman and assistant jailer, one dollar per day; provided that they shall be discharged whenever the number of prisoners for any preceding six months has fallen below the number herein prescribed: Provided, that in counties having a population of more than one hundred and fifty thousand, where the sheriff is